

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for reconsideration of the Court's denial of his motion to proceed in forma pauperis.

On December 27, 2007, the Court denied plaintiff's motion to proceed in forma pauperis because he had filed more than three actions or appeals that had been dismissed as frivolous and/or which failed to state a claim upon which relief could be granted. See Krupp v. St. Louis Justice Center, No. 4:07CV912 CEJ (E.D. Mo.); Krupp v. Singer, No. 4:07CV913 TCM (E.D.Mo.); Krupp v. Stubblefield, No. 4:07CV1862 TIA (E.D. Mo.). Plaintiff asserts that the Court should reconsider its denial of his motion and allow him to proceed in forma pauperis, regardless of the number of frivolous actions he has filed, until such time as he has exhausted all avenues of appeal regarding those dismissals.

Although 28 U.S.C. §1915(g) does not state expressly that dismissals must be final to count as strikes, some courts have agreed with the line of reasoning espoused by plaintiff. Because the Eighth Circuit has recently cited those cases with approval, the Court will grant plaintiff's motion for reconsideration. See, e.g., Campbell v. Davenport Police Dept., 471 F.3d 952 (8th Cir. 2006).

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration [Doc. #8] is **GRANTED**.

IT IS FURTHER ORDERED that the December 27, 2007 Order denying plaintiff's motion to proceed in forma pauperis [Doc. #7] is **VACATED**.

Dated this 16th day of January, 2008.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE